

Application No. 09/682865
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Amendment
Attorney Docket No. S63.2B-9720-US01

Remarks

This Amendment is in response to the Office Action dated May 16, 2005. The Office Action rejected claims 1-9, 11-12, 14, 22, 25-26, 28-29 and 64-67 under 35 USC 102(b) as anticipated by "Edwards et al (U.S. 6123712)". The Office Action also repeated the rejection of the previous Office Action. The paragraph numbers below correspond to those of the Office Action:

2. The invention is not anticipated by "Edwards et al (U.S. 6123712)"

The Office Action rejected Claims 1-9, 11-12, 14, 22, 25-26, 28-29, and 64-67 under 35 USC § 102(b) as being anticipated by "Edwards et al (U.S. 6123712)". The Office Action refers to items 760, 785, and 790 in figures 7 and 8a of the reference.

US 6123712 issued to DiCaprio and not Edwards. The DiCaprio reference does not include the above-mentioned reference numerals. Applicant believes that the Edwards reference in question corresponds to US 5,899,917 (hereinafter "Edwards") listed in the Notice of References Cited. If this belief is erroneous, Applicant respectfully requests reissuance of the Office Action with the proper reference identified.

Applicant disagrees with the Office Action's characterization of Edwards. Nevertheless, has amended independent Claim 1, without prejudice or disclaimer, to indicate that the inflatable members are constructed and arranged such that no contacting portion encircles the balloon catheter. Claim 1 has also been amended to remove language referred to in the Office Action as being functional. Claims 5, 14, 25, and 64 have been amended, without prejudice or disclaimer, to include a recitation that each of the inflatable members extends only part of the way about the channel. Figures 7 and 8a does not disclose or suggest this recitation. For at least this reason, Claims 1-9, 11-12, 14, 22, 25-26, 28-29, and 64-67 are not anticipated by Edwards.

Withdrawal of the rejection is respectfully requested.

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Conclusion


In light of the above comments, Claims 1-9, 11-12, 14, 22, 25-26, 28-29, and 64-67 are believed to be in condition for allowance. Notification to that effect is respectfully requested.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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By: _____


Jonathan Grad

Registration No.: 41795

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001